# UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

SUN CAB, INC. d/b/a NELLIS CAB COMPANY

and

Case 28-CA-079813

ABIY AMEDE, an Individual

# ACTING GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

Pursuant to Section 102.46 of the Board's Rules and Regulations, Counsel for the Acting General Counsel (General Counsel), files the following Exceptions to the Decision of Administrative Law Judge Jay R. Pollack, [JD(SF)-57-12] (ALJD), issued on December 27, 2012, in this matter:

- 1. The Administrative Law Judge's (ALJ) failure to make any finding as to whether Sun Cab, Inc. d/b/a Nellis Cab Company (Respondent) violated Section 8(a)(1) of the National Labor Relations Act (Act) by threatening its employee with discharge for engaging in protected concerted activities by participating in a strike during their shifts to discuss and protest the number of taxicabs permitted by the Nevada Taxicab Authority and the resulting decline in income for employees.
- 2. The ALJ's failure to make any finding as to whether Respondent violated Section 8(a)(1) of the Act by threatening its employee with loss of benefits including loss of Christmas bonus for engaging in protected concerted activities by participating in a strike during their shifts to discuss and protest the number of taxicabs permitted by the Nevada Taxicab Authority and the resulting decline in income for employees.

- 3. The ALJ's failure to find that Respondent violated Section 8(a)(1) and (3) of the Act by discharging its employee Abiy Amede because he formed, joined or assisted the Industrial, Technical and Professional Employees Union, Local 4873, affiliated with Office and Professional Employees International Union, AFL-CIO, and engaged in concerted activities, and to discourage employees from engaging in these activities. (ALJD at 7:16-18)
- 4. The ALJ's failure to specify in the Remedy and Order that Respondent must expunge all discipline issued as a result of the protected concerted strike including the trip sheet falsification warnings which were issued based on closer review of the trip sheets of those employees who engaged in the protected strike. (ALJD at 3:1-2; 7:44-48; 8:28-30)

  Dated at Las Vegas, Nevada, this 24<sup>th</sup> day of January 2013.

## /s/ Larry A. Smith

Larry A. "Tony" Smith
Counsel for the Acting General Counsel
National Labor Relations Board, Region 28
600 Las Vegas Boulevard South, Suite 400
Las Vegas, NV 89101
Telephone: (702) 388-6012

Facsimile: (702) 388-6012 Facsimile: (702) 388-6248 E-mail: Larry.Smith@nlrb.gov

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of ACTING GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE in SUN CAB, INC. d/b/a NELLIS CAB COMPANY, Case 28-CA-079813, was served by E-Gov, E-Filing, E-Mail and Facsimile, on this 24<sup>th</sup> day of January 2013, on the following:

### Via E-Gov, E-Filing:

Lester A. Heltzer, Executive Secretary Office of the Executive Secretary National Labor Relations Board 1099 14<sup>th</sup> Street NW – Room 11602 Washington, DC 20570

### Via E-Mail:

James T. Winkler, Attorney at Law Littler Mendelson 3960 Howard Hughes Pkwy Ste 300 Las Vegas, NV 89169-5937 E-Mail: jwinkler@littler.com

Abiy Chane Amede 5386 River Glen Dr Apt 349 Las Vegas, NV 89103-7431 E-Mail: kalete21@yahoo.com

#### Via Facsimile:

Industrial, Technical & Professional Employees Union, OPEIU Local 4873, AFL-CIO 3271 S Highland Dr Ste 716 Las Vegas, NV 89109-1045 Fax: (702) 384-4939

## |s| Dawn M. Moore

Dawn M. Moore, Election Assistant
National Labor Relations Board
Region 28 - Las Vegas Resident Office
600 Las Vegas Boulevard South, Suite 400
Las Vegas, Nevada 89101-6637
Telephone: (702) 388-6417
E-Mail: dawn.moore@nlrb.gov